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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 PHIL KIVER,

8 Plaintiff,

9 v.

10 UNITED STATES OF AMERICA,

11 Defendant.

NO: 2:16-CV-0217-TOR

ORDER OF DISMISSAL  
WITH PREJUDICE

12 BEFORE THE COURT is Plaintiff's Motion for Dismissal with Prejudice.  
13 ECF No. 78. The motion was submitted for consideration without oral argument.  
14 The Court has reviewed the file and the records therein, and is fully informed.

15 Plaintiff represents that all prior counter-claims and cross-claims have been  
16 resolved by settlement and seeks to dismiss this matter with prejudice and with  
17 each party to bear its own attorneys' fees and costs. The government does not  
18 object to Plaintiff's motion. ECF 79.

19 The Court previously dismissed the third-party claims. ECF No. 47.

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1           **ACCORDINGLY, IT IS HEREBY ORDERED:**

2           1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and the parties' consent, this  
3 matter is **DISMISSED** with prejudice and without costs or fees to any party.

4           2. All pending motions and scheduled hearings, including trial, are stricken  
5 from the Court's calendar.

6           The District Court Executive is directed to enter this Order, furnish copies to  
7 counsel, and **CLOSE** the file.

8           **DATED** February 13, 2018.



10           A handwritten signature in blue ink that reads "Thomas O. Rice".

11           **THOMAS O. RICE**  
12 Chief United States District Judge  
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